

ORIGINAL

1

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----
5 MICHAEL KAMBUROWSKI and GINA
6 KAMBUROWSKI,

7 Plaintiffs,

Civil Action

8 -against-

CV-05-953

9 MICHAEL KIDD, Deportation Officer,
10 U.S. Immigration & Customs
11 Enforcement, JOHN DOE I, Unknown
12 Deportation Officer, U.S. Immigration
13 & Customs Enforcement, JOHN DOE II,
14 Unknown Supervisory Deportation
15 Officer, U.S. Immigration & Customs
16 Enforcement and JOHN CARBONE, Acting
17 Field Director, U.S. Immigration &
18 Customs Enforcement,

19 Defendants.

20 -----
21 March 9, 2007

22 10:03 a.m.

23 Deposition of MICHAEL RAPHAEL KAMBUROWSKI, taken by
24 Defendants, pursuant to Notice, held at the United
25 States Attorney's Office, One Pierrepont Plaza,
Brooklyn, New York, before Robert E. Levy, a
Certified Shorthand Reporter and Notary Public
within and for the State of New York.

1 M. Kamburowski

2 Q. How long did you stay at 1300 Rhode
3 Island Avenue?

4 A. From December 1995 until February 1997.

5 Q. Why did you leave?

6 A. I left because I had gotten married and
7 was moving in with my new wife to a new place.

8 Q. Where did you move to?

9 A. 2001 North Adams Street, apartment 416
10 in Arlington, Virginia.

11 Q. Did you notify the U.S. Postal Service
12 of your address to 2001 North Adams Street?

13 A. Yes.

14 Q. You are certain of that?

15 A. I'm pretty certain.

16 Q. When you moved to 2001 North Adams
17 Street, did you notify the former INS of your change
18 of address?

19 MR. MOSELEY: I have an objection as to
20 form on this question. In that are you
21 asking whether he filed a change of address
22 form or whether he filed applications
23 notifying INS of his new address?

24 MR. KIM: I'll rephrase the question.

25 Q. When you moved to 2001 North Adams

1 M. Kamburowski

2 Street, did you in any way notify the INS of your
3 change of address?

4 A. Yes. Through my applications, through
5 my attorneys, we had been applying for adjustment of
6 status and for my employment visa with my attorneys
7 from 1995 until 1997, and each of these applications
8 had my current address on them.

9 Q. So you believed that by submitting
10 applications to the INS you were notifying INS of
11 your change of address?

12 A. Yes, I did, and I received
13 correspondence back from the INS at these various
14 addresses as well which made me believe that they
15 knew where I was at all times.

16 Q. When did you retain Mr. Allen as your
17 attorney?

18 A. It would have been either late 1995 or
19 sometime in early 1996. I don't recall the exact
20 date.

21 Q. Did Mr. Allen ever advise you as to any
22 requirements to notify the former INS of your change
23 of address?

24 A. I don't think so. I don't -- I don't
25 think so.

M. Kamburowski

Q. How long did you stay at 2001 North Adams Street?

A. From February 1997 until April 1998.

Q. Did you have to sign a lease for the 2001 North Adams Street?

A. Yes.

Q. Do you have a copy of that lease?

A. I don't think I do. I may but I don't believe so. Maybe in my files.

Q. Did you have a phone number at the 2001 North Adams Street address?

A. Yes.

Q. What was that?

A. I don't remember the exact phone number.

Q. Was the phone under your name?

A. It would have been under my name or my wife's name.

Q. Did your phone number ever change while you were at the 2001 North Adams Street address?

A. I don't think so.

Q. Did you live at 2001 North Adams Street continuously from February 1997 through April 1998?

A. Yes.

Q. And why did you leave there?

1 M. Kamburowski

2 A. I left because my wife and I were
3 splitting up and I was moving back into Washington,
4 D.C.

5 Q. Where did you move to?

6 A. I moved to 1613 Harvard Street. Or
7 Harvard Place. Harvard Place. Apartment 206.

8 Q. When you moved to 1613 Harvard Place,
9 did you notify the U.S. Postal Service of your
10 change of address?

11 A. I did.

12 Q. When you moved to 1613 Harvard Place did
13 you notify the former INS in any way of your change
14 of address?

15 A. Not formally but I did receive
16 correspondence from the INS at that address. So I
17 had assumed they knew that I had moved.

18 Q. What correspondence did you receive from
19 the former INS at 1613 Harvard Place?

20 A. It was responses to my filings through
21 my attorney. I don't recall specifically what the
22 subject matter was.

23 Q. Do you have those responses?

24 A. I may have kept them. They could be in
25 my files. I'm not sure.

1. M. Kamburowski

2. Q. Did you read the responses?

3. A. Yes.

4. Q. Do you recall what they said?

5. A. Well, one of them I think was a notice
6 to come and be fingerprinted and be issued with an
7 employment authorization card. That's one of the
8 ones I recall. I don't recall what the others were.

9. Q. Do you recall how many letters or
10 correspondence you received from the INS while you
11 were at 1613 Harvard Place?

12. A. Maybe two.

13. Q. You say one was a notice for
14 fingerprints?

15. A. One was a notice to appear at an INS
16 office to be issued with an employment authorization
17 card.

18. Q. What was the other one?

19. A. The other one was something about, we
20 had filed Form I-751 or something and I think it was
21 something in relation to that filing.

22. Q. Do you recall specifically when it was
23 in relation to that filing?

24. A. It was an explanation of -- either -- we
25 had received your filing or something like that --

1 M. Kamburowski

2 yes.

3 Q. Was it a decision on your filing?

4 A. I don't remember. I don't think so. I
5 don't remember specifically.

6 Q. When --

7 A. It was a receipt. An acknowledgement of
8 receipt, from memory.

9 Q. Going back to your residence at 2001
10 North Adams Street, did you say that you received
11 correspondence from the former INS while you were at
12 2001 North Adams?

13 A. I don't remember receiving
14 correspondence from the former INS at 2001 North
15 Adams Street but I may have. I don't remember.

16 Q. When you moved to 1613 Harvard Place,
17 did you have to sign a lease?

18 A. The lease was already in effect, so no.

19 Q. What do you mean it was already in
20 effect?

21 A. My roommate was already living there and
22 the lease was in his name.

23 Q. Who was your roommate?

24 A. Charles Planck.

25 Q. Do you know if Mr. Planck is still at

M. Kamburowski

1613 Harvard?

A. I don't know.

Q. Do you have any contact information for Mr. Planck?

A. No.

Q. When did you last speak with Mr. Planck?

A. December 1999.

Q. What was your rent while you stayed at 1613 Harvard Place?

A. My portion of the rent was around somewhere between 450 and \$500 a month.

Q. And did you have your own phone line when you were at 1613 Harvard?

A. No, we shared a phone line.

Q. Do you recall the phone number?

A. No, I don't.

Q. How long did you stay at 1613 Harvard Place?

A. From April 4, 1998 until December 15, 1999.

Q. Why did you leave?

A. I left to move to a different apartment, by myself.

Q. Do you have a copy of or would you have

1. M. Kamburowski

2 kept a copy of the lease at 1613 Harvard Place?

3 A. No, because I never signed a lease there
4 so I don't think I have a copy of that.

5 Q. After 1613 Harvard where did you move
6 to?

7 A. I moved to 2070 Belmont Road, Northwest,
8 apartment 608 in Washington.

9 Q. Why did you move there?

10 A. I wanted to live there by myself and I
11 got a studio apartment in that building.

12 Q. When you moved to 2070 Belmont --

13 A. Belmont Road.

14 Q. When you moved to 2070 Belmont Road, did
15 you notify the U.S. Postal Service of your change of
16 address?

17 A. Yes, I did.

18 Q. When you moved to 2070 Belmont, did you
19 notify the former INS in any way of your change of
20 address?

21 A. Formally, no. I don't think so.

22 Q. Did you notify the former INS informally
23 of your change of address to 2070 Belmont?

24 A. No.

25 Q. Did you receive any correspondence from

M. Kamburowski

the former INS while you were living at 2070 Belmont?

A. I don't recall receiving anything from the INS at that address.

Q. Did you have to sign a lease at 2070 Belmont?

A. Yes.

Q. Did you previously provide a copy of that lease?

A. To?

Q. To your attorneys.

A. I do have a copy of that lease, I think. Did I provide it? I don't remember. I don't remember if I provided that lease.

MR. KIM: Off the record for a moment.

(Discussion off the record)

MR. KIM: Back on the record.

Q. So Mr. Kamburoswki, you do have a copy of your lease in your records?

A. I'm pretty sure I have a copy of it.

Q. How long did you stay at 2070 Belmont?

A. From approximately December 15, 1999 until June 22, 2001.

Q. Why did you leave?

M. Kamburowski

A. I moved to New York City with my wife.

Q. Did you have a phone number at 2070 Belmont?

A. I used my cell number. I didn't have a phone line. I used my cellular number.

Q. What was that?

A. From memory, 202-425-4721.

Q. How long did you have that cell?

A. Sometime in 1999 I got it.

Q. And you kept it through the duration that you lived at 2070 Belmont?

A. Yes.

Q. So you received bills at 2070 Belmont?

A. Yes.

Q. Phone bills that is, for your cell phone?

A. Yes.

Q. Where did you move to next?

A. We moved to New York City, the address was 11-15 St. Nicholas Avenue, apartment 5H, New York, New York, 10026.

Q. Why did you move there?

A. That was the place we moved to when we moved to New York.

1. M. Kamburowski

2. Q. How did you find that place?

3. A. It was being leased by a friend of mine
4. and she was on an extended vacation overseas and
5. allowed us to stay there for an indefinite period of
6. time.

7. Q. Did you have to sign any documents to
8. stay there?

9. A. Initially, no.

10. Q. Who was this friend?

11. A. Alison Pike, P-i-k-e.

12. Q. What is Ms. Pike's phone number?

13. A. I don't have a phone number. I have it
14. written down somewhere but I don't remember it.

15. Q. Eventually did you have to sign some
16. documents to stay there?

17. A. Yes. Eventually we decided to take over
18. her lease in August of 2002, I think.

19. MR. KIM: Let's take a break.

20. (Recess taken)

21. MR. KIM: Can you repeat back the last
22. question I asked.

23. (Record read)

24. MR. KIM: Thanks.

25. BY MR. KIM:

M. Kamburowski

Q. Where is the copy of that lease?

A. If I have it, it would be in my files.

Q. Where are your files generally speaking?

A. Here in New York.

MR. MOSELEY: Just off the record.

(Discussion off the record)

Q. What was your phone number at 11-15
St. Nicholas?

A. 212-662 or 663-8356.

Q. Was that a land line?

A. Yes.

Q. Whose name was that phone number under?

A. Initially it was under Alison Pike's
name and then we changed it to either my name or my
wife's name or both. I don't remember.

Q. When you changed the name under which
the phone was under, did the phone number change?

A. No, we kept the same phone number.

Q. When you moved to 11-15 St. Nicholas did
you notify the U.S. Postal Service of your change of
address?

A. Yes.

Q. When you moved to 11-15 St. Nicholas did
you notify the former INS in any way of your change

1. M. Kamburowski

2 of address?

3 A. Not formally but we had filed paperwork
4 with our new attorney which had that address on it.

5 Q. Who was that attorney?

6 A. Michael DiRaimondo.

7 Q. When did you file?

8 A. I think February 2002, although the
9 actual filing I think was in May. That is when I
10 sat down with Michael and we decided to file what.

11 Q. What did you file in May 2002?

12 A. Adjustment of status based on marriage.

13 Q. Other than filing of that application,
14 did you notify the former INS in your view of your
15 change of address?

16 A. In my view I think that was notifying
17 the INS where I was at that time.

18 Q. Right, so other than the filing in May
19 of 05 -- I'm sorry, of '02, did you do anything else
20 to, in your view, notify the former INS of your
21 change of address?

22 A. Other than that, no.

23 Q. How long did you live at 11-15
24 St. Nicholas?

25 A. From June 22, 2001 until May, I'm trying

1. M. Kamburowski

2 to remember, May something 2005. Actually early
3 June 2005. Late May or early June 2005.

4 Q. Where did you move to?

5 A. I moved to 310 West 89th Street,
6 apartment 2R, New York, New York, 10024.

7 Q. Why did you move to 310 West 89th
8 Street?

9 A. We just wanted to move closer to work
10 and a different neighborhood.

11 Q. Did you have to sign a lease?

12 A. Yes.

13 Q. Where is the copy of that lease?

14 A. I believe I have a copy in my files of
15 that lease.

16 Q. How long did you stay at 310 West 89th
17 Street?

18 A. From late May, early June -- well, June
19 1st was the lease beginning, June 1, 2005 until May
20 31, 2006.

21 Q. Where did you move after that?

22 A. Moved to 23 East 128th Street.

23 Q. Where you currently reside?

24 A. Yes. Actually after the May 31, 2006 my
25 wife moved to 23 West 128th Street and I moved to

1. M. Kamburowski

2 23-19 42nd Street in Astoria, Queens. We had
3 physically separated.

4 Q. Can you repeat --

5 A. It is 28-19, I'm sorry.

6 Q. Can you provide the address where you
7 moved to after May 31, 2006?

8 A. 28-19 42nd Street, apartment D5,
9 Astoria, Queens, New York, 11103.

10 Q. How long did you live at 28-19 42nd
11 Street in Queens?

12 A. October 2006.

13 Q. Did you eventually move back in with
14 your wife?

15 A. Uh-huh.

16 Q. At the 23 East 128th Street?

17 A. Yes. I moved a lot of my things there
18 in October and then I went for work-related purposes
19 I went to the Dominican Republic for several months.

20 Q. When you first arrived in the United
21 States in January 1995, were you aware of any
22 requirements to notify the former INS of any change
23 of address?

24 A. When I first arrived? No.

25 Q. From January 1995 until today, did you

1 M. Kamburowski

2 at any time become aware of any requirement to
3 notify the former INS, now the Department of
4 Homeland Security or DHS, of any requirement to
5 change one's address?

6 A. Yes.

7 Q. When did you learn of that?

8 A. In 2004 when I was incarcerated.

9 Q. How did you learn about it?

10 A. Just during the course of the whole
11 ordeal. I learned there is a form that you file
12 with the former INS every time you move.

13 Q. Do you recall the name of the form?

14 A. No, I don't remember the name of the
15 form but I have filed it since then, every time I've
16 moved.

17 Q. How did you learn of this form?

18 A. Either through my attorneys, probably
19 through my attorneys.

20 Q. When you say your attorneys, do you mean
21 your current attorneys?

22 A. Yes.

23 Q. They advised you of what while you were
24 at Wackenhut?

25 MR. MOSELEY: I think we are getting